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Promotion and protection of human rights: implementation of human rights instruments

Argentina, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Chile, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guatemala, Iceland, Latvia, Liechtenstein, Lithuania, Luxembourg, Mexico, Panama, Netherlands, Norway, Portugal, Romania, Slovakia, Slovenia, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland and Uruguay: draft resolution

International Covenants on Human Rights

The General Assembly,

Recalling its resolution 62/147 of 18 December 2007 and Commission on Human Rights resolution 2004/69 of 21 April 2004,[1]

Mindful that the International Covenants on Human Rights[2] constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights,[3] form the core of the International Bill of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] and reaffirming that all human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated, that they should be treated in a fair and equal manner, on the same footing and with the same emphasis, and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

Recalling also the adoption of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights by the General Assembly on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights,

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[1] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 217 A (III).

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Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in examining the progress made by States parties in fulfilling the obligations undertaken in the International Covenants on Human Rights and their Optional Protocols and in providing recommendations to States parties on their implementation,

Considering that the effective functioning of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights is indispensable for the full and effective implementation of the International Covenants on Human Rights,

Recognizing the importance of regional human rights instruments and monitoring mechanisms in complementing the universal system of promotion and protection of human rights,

1. *Reaffirms* the importance of the International Covenants on Human Rights[2] as major components of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. *Strongly appeals* to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights[2] and the International Covenant on Civil and Political Rights,[2] and to consider acceding to their Optional Protocols and making the declarations provided for in article 41 of the International Covenant on Civil and Political Rights and in articles 10 and 11 of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and, while acknowledging that additional States have recently become parties to these instruments, requests the Secretary-General to continue to support the annual treaty event to this end;

3. *Acknowledges* the ceremony of opening for signature of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights on 24 September 2009 during the 2009 Treaty event and the signatures deposited in the event, with a view to its early entry into force;

4. *Invites* the United Nations High Commissioner for Human Rights to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to assist such States, at their request, in ratifying or acceding to the Covenants and to the Optional Protocols to them with a view to achieving universal adherence;

5. *Calls for* the strictest compliance by States parties with their obligations under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocols to them;

6. *Emphasizes* that States must ensure that any measure to combat terrorism complies with their obligations under relevant international law, including their obligations under the International Covenants on Human Rights, and welcomes the reports submitted by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism;[4]

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[4] See A/63/223 and A/64/211; A/HRC/6/17 and Add.1-4 and Add.4/Corr.1; and A/HRC/10/3 and Add.1 and 2.

7. *Stresses* the importance of avoiding the erosion of human rights by derogation, and recalls that certain rights are recognized as non-derogable in any circumstances, underlines the exceptional and temporary nature of any such derogations, and that they must be in accordance with the conditions and procedures stipulated under article 4 of the International Covenant on Civil and Political Rights, bearing in mind the need for States parties to provide the fullest possible information during states of emergency so that the justification for the appropriateness of measures taken in those circumstances can be assessed, and in this regard takes note of General Comment No. 29 adopted by the Human Rights Committee;[5]

8. *Encourages* States parties to consider limiting the extent of any reservations that they lodge to the International Covenants on Human Rights and their Optional Protocols, to formulate any reservations as precisely and narrowly as possible and to regularly review such reservations with a view to withdrawing them so as to ensure that no reservation is incompatible with the object and purpose of the relevant treaty;

9. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-third[6] and sixty-fourth[7] sessions, and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 33 on the obligations of States parties under the Optional Protocol;[8]

10. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its thirty-eighth and thirty-ninth sessions[9] and on its fortieth and forty-first sessions,[10] and takes note of the General Comments adopted by the Committee, including the most recent, General Comment No. 19 on the right to social security,[11] and General Comment No. 20 on non-discrimination in economic, social and cultural rights;[12]

11. *Expresses regret* at the number of States parties that have failed to fulfil their reporting obligations under the International Covenants on Human Rights, urges States parties to fulfil their reporting obligations on time, invites them to make use of the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents,[13] when submitting reports, and urges States to attend and participate in the consideration of the reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights when so requested;

12. *Urges* States parties to make use in their reports of sex-disaggregated data, and stresses the importance of integrating a gender perspective in the

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[5] *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 40* (A/56/40), vol. I, annex VI.

[6] Ibid., *Sixty-third Session, Supplement No. 40* (A/63/40), vols. I and II.

[7] Ibid., *Sixty-fourth Session, Supplement No. 40* (A/64/40), vols. I and II.

[8] Ibid., vol. I.

[9] *Official Records of the Economic and Social Council, 2008, Supplement No. 2* (E/2008/22).

[10] Ibid., *2009, Supplement No. 2* (E/2009/22).

[11] Ibid., *2008, Supplement No. 2* (E/2008/22).

[12] E/C.12/GC/20.

[13] HRI/GEN/2/Rev.5; *Official Records of the Economic and Social Council, 2009, Supplement No. 2* (E/2009/22), annex VIII.

implementation of the International Covenants on Human Rights at the national level, including in the national reports of States parties and in the work of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

13. *Strongly encourages* States parties that have not yet submitted core documents to the Office of the United Nations High Commissioner for Human Rights to do so, invites them to make use of the harmonized guidelines on reporting, and also invites all States parties regularly to review and update their core documents while bearing in mind the current discussion on the elaboration of an expanded core document;

14. *Urges* States parties to take duly into account, in implementing the provisions of the International Covenants on Human Rights, the recommendations and observations made during the consideration of their reports by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, and the views adopted by the Human Rights Committee under the first Optional Protocol to the International Covenant on Civil and Political Rights[2] and the Committee on Economic, Social and Cultural Rights under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights following its entry into force;

15. *Welcomes*, in this regard, measures taken by both Committees to follow up their concluding observations, including the adoption by the Human Rights Committee of a set of proposals to strengthen its follow-up procedure;[14]

16. *Urges* all States to publish the texts of the International Covenants on Human Rights and their Optional Protocols in as many local languages as possible and to distribute them and make them known as widely as possible to all individuals within their territory and subject to their jurisdiction;

17. *Urges* each State party to give particular attention to the dissemination at the national level of their reports submitted to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights and, further, to translate, publish and make available as widely as possible to all individuals within its territory and subject to its jurisdiction by appropriate means the full text of the recommendations and observations made by the Committees after the examination of those reports;

18. *Reiterates* that States parties should take into account, in their nomination of members to the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, that the Committees shall be composed of persons of high moral character and recognized competence in the field of human rights, consideration being given to the usefulness of the participation of some persons having legal experience, and to equal representation of women and men, and that members serve in their personal capacity, and also reiterates that, in the elections of the Committees, consideration shall be given to equitable geographical distribution of membership and to the representation of the different forms of civilization and of the principal legal systems;

19. *Invites* the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, to

[14] CCPR/C/95/3.

continue to identify specific needs that might be addressed by United Nations departments, funds and programmes and the specialized agencies, including through the programme of advisory services and technical cooperation of the Office of the United Nations High Commissioner for Human Rights;

20. *Stresses* the need for improved coordination among relevant United Nations mechanisms and bodies in supporting States parties, upon their request, in implementing the International Covenants on Human Rights and their Optional Protocols, and encourages continued efforts in this direction;

21. *Expresses its appreciation* for the efforts made so far by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to improve the efficiency of their working methods, encourages the Committees to pursue their efforts, welcomes in this regard the meetings held by the Committees and States parties to exchange ideas on how to render the working methods of the Committees more efficient, and encourages all States parties to continue to contribute to the dialogue with practical and concrete proposals and ideas on ways to improve the effective functioning of the Committees;

22. *Encourages* the specialized agencies that have not yet done so to submit their reports on the progress made in achieving the observance of the provisions of the International Covenant on Economic, Social and Cultural Rights, in accordance with article 18 of the Covenant, and expresses its appreciation to those that have done so;

23. *Encourages* the Secretary-General to continue to assist States parties to the International Covenants on Human Rights in the timely preparation of their reports, including by convening seminars or workshops at the national level for the training of government officials engaged in the preparation of such reports and by exploring other possibilities at the request of States, such as the programme of advisory services and technical cooperation in the field of human rights;

24. *Requests* the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates by providing, inter alia, adequate Secretariat staff resources and conference and other relevant support services;

25. *Also requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and their Optional Protocols, including all reservations and declarations, through the United Nations websites.